IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4465 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

JYANTILAL DURLABHAI DESAI

Versus

STATE OF GUJARAT

Appearance:

MR ISHVERLAL J NAIK for Petitioner No. 1
GOVERNMENT PLEADER for Respondent No. 1
MR MB GANDHI for Respondent No. 2
MRS TRUSHA M GANDHI for Respondent No. 2
RULE SERVED BY DS for Respondent No. 3
DS AFF.NOT FILED (R) for Respondent No. 4

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 02/07/2001

ORAL JUDGEMENT

#. The petitioner is the employee of the Gujarat

Industrial Development Corporation, Vapi ("the GIDC" for short). He has challenged the apprehended action of the GIDC transferring Water Supply Scheme to some private institution. It is the say of the petitioner that if such transfer is allowed, it will seriously affect his service conditions. It is further submitted that his services should not be transferred without his consent as it may amount to sending him on deputation. It is the say of the petitioner that even it is not in the public interest to transfer the Water Supply Scheme to private institution.

#. Mr.Gandhi, learned advocate appearing for the GIDC states that this petition is filed only on the basis of apprehension and the GIDC has not taken any final decision to transfer the Water Supply Scheme. He further states that even it is not certain whether the said scheme may go to the private institution or to the Urban Development Authority and therefore the entire things are at the liquid stage. He submitted that, therefore, this petition is not required to be entertained at this stage as no final decision is taken one way or other by the GIDC.

#. Under the circumstances, in my view, the submission of Mr.Gandhi is required to be upheld. Till date there is no decision one way or other transferring the Water Supply Scheme from GIDC to other institution. The grievance of the petitioner is more imaginatory than the real one. In fact there is no order by which the services of the petitioner are deputed. This petition is prematured at this stage. If any final decision is taken by the GIDC, it will be open for the petitioner to challenge the same in accordance with law. This petition is not required to be entertained at this stage and the same is required to be rejected as being filed at premature stage. Accordingly, this petition stands dismissed. Rule is discharged with no order as to costs.

(P.B.Majmudar,J)
(pathan)